

## REMARKS

This amendment is being filed concurrently with a Request for Continued Examination (RCE). Accordingly, applicant respectfully requests reconsideration in the above-identified matter. Claims 1, 28, and 31 have been amended, and Claim 8, 27, and 29 has been canceled. Thus, Claims 1, 9-12, 14, 24-26, 28, and 30-35 are pending in the present application. Applicant acknowledges with appreciation that Claim 8 contains allowable subject matter.

Claims 1, 9, 10, 14, 20, 24-26, 28, 29, 31, 34, and 35 were rejected in an Office Action dated March 24, 2005 (hereinafter "Office Action") under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. D293,364, issued to Everard ("Everard") in view of U.S. Patent No. 5,245,713, issued to Tickle ("Tickle"), U.S. Patent No. 3,816,858, issued to Martin ("Martin") and U.S. Patent No. 2,718,014, issued to Mizrach ("Mizrach"). Claims 11, 12, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Everard, in view of Tickle, Martin, and Mizrach, and further in view of U.S. Patent No. 4,419,774, issued to Hajek ("Hajek"). Claims 27 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Everard in view of Tickle, Martin, and Mizrach, and in further view of U.S. Patent No. 6,230,338, issued to Kirsch ("Kirsch"). Applicant respectfully asserts the present application is in condition for allowance. The reasons why applicant believes the present application is in condition for allowance are discussed in detail below.

### Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 9, 10, 14, 20, 24-26, 28, 29, 31, 34, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Everard in view of Tickle, Martin and Mizrach. Claims 11, 12, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Everard, in view of Tickle, Martin, and Mizrach, and further in view of Hajek. Claims 27 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Everard in view of Tickle, Martin, and

Mizrach, and in further view of Kirsch. Applicants have canceled Claims 27 and 29, thus rendering the rejection to these claims moot. Applicant respectfully traverses the rejections to the remaining claims.

Claim 1

Claim 1 has been amended to include the subject matter of Claim 8, which was deemed to contain allowable subject matter in the Office Action. Thus, applicant respectfully requests withdrawal of the pending 35 U.S.C. § 103(a) rejection to Claim 1. Applicant further requests withdrawal of the 35 U.S.C. § 103(a) rejections to Claims 9-12, and 24-27, which depend from allowable Claim 1.

Claim 28

Amended Claim 28 is directed to portable washing device. The device includes a bottom wall constructed from an impermeable material, a lower inflatable tubular member constructed from an impermeable material connected to and extending around the perimeter of the bottom wall and an upper inflatable tubular member having first and second ends being stacked upon the lower tubular member and extending around a majority of the lower tubular member such that an opening is created between the first and second ends. The portable washing device further includes a seam interconnecting the upper and lower inflatable tubular members. The seam extends along a majority of the upper tubular member and has a centerline, wherein the seam terminates as end segments in proximity of the first and second ends of the upper inflatable tubular member. Claim 28 has been amended to recite that the "end segments of the seam have a larger lateral connection area between the upper and lower tubular members than the remaining portions of the seam for preventing separation of said upper tubular member from said lower tubular member when a force is applied from said opening against said first or second upper inflatable tubular member end."

The benefits and advantages of such a construction have been discussed in the application at page 6, lines 10-27, where it states that the end segments of the seam "improves the ability of

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the basin to prevent tearing when the neck opening is forced opened," and thus, increases the longevity of the product.

The Office Action correctly states that Everard fails to teach or suggest reinforcement between the tubular members. Similar to Everard, Martin fails to teach seam end segments that will prevent separation of the upper tubular member from the lower tubular members when a force is applied to the upper tubular ends. Specifically, Martin teaches an inflatable hair washing aid that includes a bottom member 12 that is joined to an encircling ring like member 20. An annular inflatable tube 26 is connected to the member 20 by an encircling collar strip 24. See FIGURES. 1 and 2. However, Martin does not teach or suggest an opening in the inflatable tube for receiving the patient's neck nor teaches or suggests that the collar strip includes seam end segments that are capable of preventing separation of the tube 26 from the member 20 when a force is applied along the strip.

With regard to Mizrach, the Office Action contends that Mizrach teaches a reinforced connection at Col. 1, lines 59-61 and FIGURE 3 for improved structural integrity. However, Mizrach teaches that the reinforced connection between upper and lower ring like side walls extends around the entire perimeter of the of the ring like side walls in a uniform manner. See. FIGURE 1. Therefore, since Mizrach teaches a connection of uniform thickness that extends around the entire perimeter of the ring like side walls, Mizrach fails to teach an opening in the ring like side walls for providing lateral access to the interior cavity of the inflatable pool from the side, and further fails to teach that the end segments of the seam have "a larger lateral connection area between the upper and lower tubular members than the remaining portions of the seam." Applicant further asserts that Tickle fails to correct the deficiencies in Everard, Martin, or Mizrach.

Under § 103, a *prima facie* case of obviousness is established only if the cited references, alone or in combination, teach each of the limitations of the recited claims. *In re Bell*, 991

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F.2nd 781 (Fed. Cir. 1993). Since Everard, Tickle, Martin, and Mizrach, either alone or in combination, fail to teach or suggest each and every recited element of amended Claim 28, applicant asserts that a *prima facie* case of obviousness has not been established. Therefore, applicant respectfully requests the pending rejection of Claim 28, under U.S.C. § 103(a) be withdrawn. Accordingly, applicant further requests withdrawal of the rejections to Claims 14 and 30, which depend from Claim 28.

Claim 31

Claim 31 recites a device having means for preventing the separation of the upper inflatable layer from the lower inflatable layer when a force is applied from the opening against the first or second upper inflatable layer end along the connection center line, wherein the means includes "an increased cross-sectional contact area of the connection in proximity of the ends of the upper inflatable layer as compared to the remaining portion of the connection." For at least the same reasons as discussed above with regard to Claim 28, applicant's invention, as recited in Claim 31, is believed to be allowable over the prior art. Accordingly, applicant respectfully requests withdrawal of the pending 35 U.S.C. § 103(a) rejection to Claim 31. Applicant further requests withdrawal of the 35 U.S.C. § 103(a) rejections to Claims 32-35, which depend from allowable Claim 31.

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CONCLUSION

In light of the foregoing amendments and remarks, applicant asserts that the claims of the present application recite combinations of features neither taught nor suggested by the prior art. Therefore, applicant respectfully requests early and favorable action, and the allowance of all pending claims. If any further questions remain, the Examiner is invited to telephone applicant's attorney at the number listed below.

Respectfully submitted,

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